

# Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's  
environment for the benefit of current and future generations.



Dave Freudenthal, Governor

John Corra, Director

**CERTIFIED MAIL**

March 4, 2009

Mr. Jim McCotter  
Wyoming Mountain Resorts, LLC  
PO Box 86  
Ten Sleep, WY 82441

**RE: Non-compliance with Settlement Agreement for NOV  
Docket Number 4064-07**

Dear Mr. McCotter:

The Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) Enforcement records indicate that Notice of Violation Docket #4064-07 was issued to Wyoming Mountain Resorts, LLC (WMR) May 30, 2007. The DEQ and WMR negotiated a stipulated settlement, including a payment of a penalty, in lieu of litigation to resolve the violations brought forth in the NOV. WRM agreed to pay a total penalty amount of fifteen thousand five hundred thirty dollars and no cents (\$15,530.00) to resolve the NOV. A payment plan was agreed upon whereas WMR would pay thirty six (36) installments of four hundred thirty one dollars and thirty nine cents (\$431.39) due by the end of each month for the following 35 consecutive months beginning August 15, 2008 and ending August 31, 2011. The settlement agreement was signed by Mr. James D. McCotter of WMR on August 11, 2008.

To date WMR has made only two (2) of the required monthly installments as agreed upon in the settlement agreement. Records indicate the last check (Check # 10100) was received on October 2, 2008 for the September 2008 installment, which indicates that WMR is delinquent in the last five (5) required installments dating from October 2008 through February 2009 totaling two thousand one hundred fifty six dollars and ninety five cents (\$2156.95).

DEQ is requesting that the delinquent amount be paid in full within 21 days of the date of this letter and that the agreed upon monthly installment stipulation be met for all remaining consecutive months or failure to pay will result in the matter being turned over to the Wyoming Attorney General's office for enforcement.

Please address all correspondence and payments, as indicated in the original settlement agreement, to Mr. Kevin M. Wells, WYPDES Compliance & Enforcement Program Coordinator, Wyoming Department of Environmental Quality, Water Quality Division, Herschler Building, 4<sup>th</sup> Floor West, 122 West 25<sup>th</sup> Street, Cheyenne, Wyoming 82002.

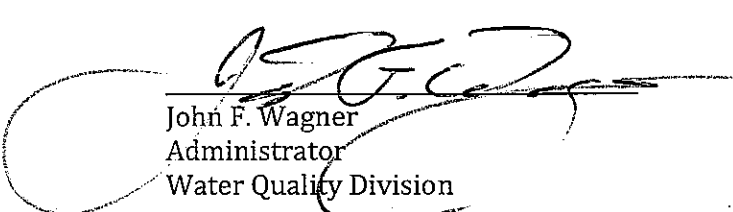
Page 1 of 2



If you have any questions or comments concerning this matter, please contact Mr. Wells at (307) 777-8669.



John V. Corra  
Director  
Department of Environmental Quality



John F. Wagner  
Administrator  
Water Quality Division

JVC/JFW/KMW/bb/9-0161

cc: Lee Hanley, 8ENF-W-NP, EPA Region 8 (PDF)  
James B. Eisenhauer, WYPDES Inspection Coordinator (PDF)  
Bill DiRienzo (PDF)  
Keith Guille, DEQ Public Information Officer (PDF File of signed copy by all parties only)